

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Grenada, Mississippi)

MM Docket 96-130
RM-8818

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

RECEIVED
AUG 5 1996

COMMENTS AND COUNTERPROPOSAL

Boswell Broadcasting Company ("BBC"), applicant for Channel 266A at Durant, Mississippi, by its counsel, hereby submits a counterproposal to the Notice of Proposed Rule Making, 11 FCC Rcd 7014 (1996), proposing to allot Channel 267A at Grenada, Mississippi. BBC proposes instead that Channel 269A be allotted to Grenada as part of a plan to substitute Channel 266C3 to Durant, Mississippi, and Channel 267A for a pending proposal (RM-7437) at Coffeerville, Mississippi, Notice of Proposed Rule Making and Order to Show Cause, 6 FCC Rcd 3474 (1991). In support hereof, BBC states as follows:

1. BBC is the sole applicant for Channel 266A at Durant, Mississippi (BPH-950927MB). The application appeared on a "Notice of Acceptance" released April 15, 1996, and is currently ready for

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grant since no petitions to deny were filed. In order to achieve a future increase in facilities, BBC must preserve the availability of Class C3 facilities at Durant with this counterproposal while awaiting action on its application for Class A facilities. Action on this application is expected in late summer. See Commission Letter of May 2, 1996 (1800B3-PHD) at note 1.

2. Attached as **Exhibit 1** is a channel study which demonstrates Channel 266C3 can be allotted to Durant at a site 8.14 km. west, at coordinates 33° 04' 49" N and 89° 51' 23" W. This site clears all listings except the pending proposal to allot Channel 267A to Grenada, Mississippi. From the proposed reference site, the allotment of Channel 266C3 at Durant is in the public interest because it could provide coverage to an area of 4,789.8 sq. km. and a population of 36,968 persons. The current figures as specified in the pending application would offer service to 1,466.8 sq. km. and 19,602 persons. Thus, the Class C3 allotment would provide a gain in service of 3,323 sq. km. and 17,366 persons. BBC requests that the allotment of Channel 266C3 to Durant await grant of BBC's pending application for Channel 266A which, as indicated, is expected by late summer, according to Commission staff. BBC further requests that should it receive a permit for Channel 266A at Durant prior to the resolution of this proceeding, the permit should be modified to specify Channel 266C3. BBC hereby states that it will apply for Channel 266C3 at Durant and construct the facility.

3. Channel 269A can be allotted to Grenada, Mississippi, at a site approximately 12 km. north. See Exhibit 2. In order to allot Channel 269A to Grenada, Channel 267A must be considered as an alternate to Channel 269A at Coffeeville, Mississippi, in MM Docket 91-152. Exhibit 3 demonstrates that Channel 267A can be allotted to Coffeeville should the Commission decide in that rule making proceeding that Coffeeville should receive an allotment.¹ On the other hand, should the Commission nevertheless decide to allot Channel 269A at Coffeeville in MM Docket 91-152 prior to action here, it could still consider BBC's proposal here to allot Channel 267A to Coffeeville as a substitute channel instead. BBC will separately file comments in MM Docket 91-152 for Commission consideration and serve the parties to that proceeding.

4. The proposals for Channel 269A at Grenada here and Channel 267A at Coffeeville in MM Docket 91-152 should have no adverse effect on any interested party or the public interest. Both proposals are for new allotments and the proposed alternate channels are equivalent. See e.g., Kerman, California, 11 FCC Rcd 2887 (1996). In this regard, no prospective applicant has a right to a site preference for a new channel. See e.g., Kasilof and Anchorage, Alaska, 10 FCC Rcd 9238 at note 7 (1995). By considering alternate equivalent channels at Grenada and

¹ BBC notes that the Commission proposed to allot Channel 236A to Coffeeville. BBC takes no position as to whether the Commission should allot a channel to Coffeeville or whether that channel should be Channel 236A. BBC's only interest is to have the Commission consider Channel 267A instead of Channel 269A.

Coffeeville, Channel 266C3 can be allotted to Durant and provide greater service to the public.

5. Accordingly, Boswell Broadcasting Company urges the Commission to (1) allot Channel 266C3 to Durant, Mississippi, in lieu of Channel 266A, and modify its permit when issued, (2) allot Channel 269A (instead of Channel 267A) at Grenada, Mississippi, as its third local service, and (3) allot Channel 267A (instead of Channel 269A) at Coffeeville, Mississippi, either here or in MM Docket 91-152.

Respectfully submitted,

BOSWELL BROADCASTING COMPANY

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Its Counsel

August 5, 1996

ENGINEERING STATEMENT

**IN SUPPORT OF A
COUNTERPROPOSAL
MM DOCKET 96-130
BOSWELL BROADCASTING COMPANY**

AD 266C3 @ DURANT ALLOCATION STUDY**[DEPICTING CHANNEL 269A @ Grenada & Ch 267A @ Coffeeville]****Reference Coordinates:**

33 04 09 N.

89 56 33 W.

Class C3

Current rules spacings

Channel 266 -101.1 MHz

Search Date

08-05-19

Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
Community of Durant			MS	81.3	8.14		
Reference Coordinates:							
33-04-49							
89-51-23							
ALOPEN 266A	Durant		MS	79.7	8.79	142.0	-133.21 *
Of No Concern							
Allocations Coordinates							
Ch 266A @ Durant							
AP266 266A	Durant		MS	91.0	31.69	142.0	-110.31 *
Of No Concern							
Application Site of							
Boswell Broadcasting Co. (Petitioner)							
AD267 267A	Grenada		MS	2.3	80.75	89.0	-8.25 *
Of Concern							
Mutually Exclusive with							
Allocation of Ch 267A							
@ Grenada							
AD265 265C2	Utica		MS	198.4	117.16	117.0	0.16 *
ALOPEN 265C2	Utica		MS	198.4	117.16	117.0	0.16 *
WJDQ 267C1	Meridian		MS	125.6	144.21	144.0	0.21 *
KJMS 266C1	Memphis		TN	356.5	229.42	211.0	18.42
WLIN.C 269C2	Gluckstadt		MS	199.1	75.39	56.0	19.39
AD267 267A	Coffeeville		MS	19.5	112.65	89.0	23.65
Proposed Substitution							
Ch 267A for 269A @ Coffeeville							
AD267 267A	Vicksburg		MS	226.8	114.91	89.0	25.91
WLIN.C 269C3	Gluckstadt		MS	199.1	75.38	43.0	32.38
WDMS 264C1	Greenville		MS	291.2	108.47	76.0	32.47
AD269 269A	Grenada		MS	6.8	91.21	42.0	49.21
Proposed Substitution							
Ch 269A for 267A							

ENGINEERING STATEMENT

IN SUPPORT OF A

COUNTERPROPOSAL

MM DOCKET 96-130
BOSWELL BROADCASTING COMPANY

AD 269A @ GRENADA ALLOCATION STUDY
[DEPICTING CH 267A @ COFFEEVILLE & CH 266C3 @ DURANT]

Reference Coordinates:

33 53 09 N.

89 49 36 W.

Class A

Current rules spacings

Search Date

08-05-19

Channel 269A -101.7 MHz

Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
Community of Grenada			MS	172.7	12.02		
Reference Coordinates:							
33-46-42							
89-46-37							
AD269 269A	Coffeeville		MS	58.8	19.10	115.0	-95.90 *
Of No Concern							
Substitution of Ch 267A Proposed							
AD269 269A	Coffeeville		MS	60.0	19.76	115.0	-95.24 *
Of No Concern							
Substitution of Ch 267A Proposed							
AD267 267A	Grenada		MS	217.3	12.43	31.0	-18.57 *
Of No Concern							
Substitution of Ch 269A Proposed							
WWUNFM 268C3	Clarksdale		MS	305.6	88.56	89.0	-0.44 *
WLIN.C 269C2	Gluckstadt		MS	192.3	165.64	166.0	-0.36 *
AD236 267A	Coffeeville		MS	59.6	30.91	31.0	-0.09 *
DE272 272A	Calhoun City		MS	94.1	47.80	31.0	16.80
ALOPEN 272A	Calhoun City		MS	94.1	47.80	31.0	16.80
AP272 272A	Calhoun City		MS	85.0	50.52	31.0	19.52
WFTA 270C2	Fulton		MS	70.6	125.91	106.0	19.91
WLIN.C 269C3	Gluckstadt		MS	192.3	165.64	142.0	23.64
WTID 269C2	Reform		AL	111.6	197.69	166.0	31.69

CERTIFICATE OF SERVICE

I, William D. Silva, an attorney in the Law Offices of William D. Silva, hereby certify that I have, on this 5th day of August, 1996, sent by first-class U.S. Mail, postage prepaid, copies of the foregoing "COMMENTS AND COUNTERPROPOSAL" to the following:

* Ms. Pamela Blumenthal
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* HAND DELIVERED